
ALCOHOL AND TOBACCO COMMISSION

Nonrule Policy ATC #23

- 1. NOTICE:** Under [IC 4-22-7-7](#), this document is required to be published with the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Alcohol and Tobacco Commission's (ATC) official position concerning a specific issue.
- 2. DISCLAIMER:** This nonrule policy is being established by the ATC consistent with the authority under [IC 7.1-2-3-7](#). It is intended solely as guidance and shall be used in conjunction with applicable rules or laws. It does not replace applicable rules and laws, and, if it conflicts with these rules or laws, the rules or laws shall control.
- 3. AUTHORIZED:** David E. Cook, Chairman
- 4. SUPERSEDES:** New
- 5. SUBJECT:** The purpose of this nonrule policy is to establish specific procedures for the submission, review, and record keeping for permits deposited pursuant to [IC 7.1-3-1-3.5](#).
- 6. SCOPE:** A request to deposit permits pursuant to [IC 7.1-3-1-3.5](#) and [905 IAC 1-30-1](#), also known as escrow, must include the reason the applicant is unable to operate the permit and a proposed timetable for putting the permit into use. A permit may be deposited with the commission for a period of up to one (1) year, and the commission may extend the term of the deposit for not more than four (4) additional one (1) year periods if the permittee is able to show to the satisfaction of the commission that the permittee is making a good faith effort to put the permit into operation. A permittee with a permit in escrow shall submit a written progress report to the commission annually with the permit renewal. This nonrule policy applies to all permits currently admitted to escrow as well as permits placed in escrow in the future. This new nonrule policy is applicable to all permits currently in or entering escrow.
- 7. POLICY:**
- 7.1 An applicant or permittee requesting a permit be placed in escrow must submit a written request that includes the following:
 - 7.1.1 For an applicant that is requesting a permit be issued direct to escrow with location pending, the applicant must submit a written request that:
 - 7.1.1.1 Explains the need by the permit applicant to receive a permit while the location is pending as required by [IC 7.1-3-1-5\(b\)](#).
 - 7.1.1.2 Provides a proposed timetable for obtaining a location and making the permit active as required by [905 IAC 1-30-1](#).
 - 7.1.1.3 States the reasons why the permittee is unable to immediately operate the business to which the permit applies as required by [905 IAC 1-30-1](#).
 - 7.1.1.4 Explains steps taken to find a location.
 - 7.1.2 For an applicant that is requesting a permit be issued at the permit location and direct to escrow:
 - 7.1.2.1 Provides a proposed timetable for making the permit active as required by [905 IAC 1-30-1](#).
 - 7.1.2.2 States the reasons why the permittee is unable to immediately operate the business to which the permit applies as required by [905 IAC 1-30-1](#).
 - 7.1.3 For a permittee whose permit was previously active that is requesting a permit be placed into escrow:
 - 7.1.3.1 Provides a proposed timetable for obtaining a location and making the permit active as required by [905 IAC 1-30-1](#).
 - 7.1.3.2 States the reasons why the permittee is unable to immediately operate the business to which the permit applies as required by [905 IAC 1-30-1](#).
 - 7.1.4 A new request for escrow must be submitted for each year of escrow as required by [IC 7.1-3-1-3.5](#).
 - 7.1.5 Renewal applications and fees must be submitted timely while a permit is in escrow.
 - 7.1.6 The first year of escrow will run concurrent with the permit's most recent expiration date pursuant to [905 IAC 1-30-1](#).
 - 7.1.7 The second through fifth year of escrow, if approved by the commission, will run from the end of the prior year of escrow for a one (1) year period. It shall run concurrent with the permit year.
 - 7.1.8 Failure to timely submit renewals will be taken into consideration in determining whether to grant another year of escrow.
 - 7.1.9 The ATC will send a letter by mail or email to the permit applicant after approval of an escrow request

notifying the permit applicant of the current escrow year.

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An [html](#) version of this document.